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April 28, 2021

**By ECF**

Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *In re: New York City Policing During Summer 2020 Demonstrations*, No. 20 Civ. 8924

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and the single line attorney assigned to the defense in these cases. I write to respectfully seek clarification about the Court's prior order on the length of defendants' reply to plaintiffs' oppositions, which is due on May 14, 2021.<sup>1</sup> ECF No. 121.

After defendants filed a single motion to dismiss in accordance with the schedule set, the Court extended plaintiffs' time to oppose by one week and held that the *Sow* plaintiffs could file a separate opposition. ECF Nos. 119, 121. The Court held defendants have the usual number of pages to respond separately to the *Sow* plaintiffs' opposition. ECF No. 121. Now, plaintiffs have filed two separate opposition briefs with overlapping arguments. ECF Nos. 134, 137. Indeed, *Sow* plaintiffs claim to incorporate the other plaintiffs' opposition in its entirety, and cite to specific arguments within it. ECF No. 137 at 8, 29. These oppositions are intertwined.

Therefore, defendants have one question: respectfully, may defendants file one 20 page reply instead of two separate 10 page replies? Filing a single brief instead of two briefs would allow defendants to present a more holistic, comprehensive rebuttal to the two oppositions in what the Court has characterized as "one case." Filing a single 20 page reply to plaintiffs' two approximately 50 page oppositions would allow defendants to streamline their arguments. This would also promote economy and efficiency.

Defendants are not asking for more pages; just the chance to optimize the two sets of 10 pages they have, and instead file a single 20 page reply to plaintiffs' two oppositions.

Thank you for your consideration herein.

Respectfully submitted,

Brachah Goykadosh

Senior Counsel

Special Federal Litigation Division

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<sup>1</sup>In response to plaintiffs' request for more time to oppose, the Court ordered that defendants "get an additional seven days for reply." ECF No. 119. The Court did not provide a date. It is defendants' understanding that because plaintiffs' time to oppose has been enlarged by one week, defendants' time to reply has also been correspondingly enlarged, until May 14, 2021.